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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

MARGIE MCRAE,)	No. C 07-1538 MJJ
)	
Plaintiff,)	Related to C 06-1999 MJJ
)	
v.)	
)	PROPOSED ORDER GRANTING
MICHAEL J. ASTRUE, COMMISSIONER)	MOTION TO DISMISS
OF THE SOCIAL SECURITY)	
ADMINISTRATION; GEORGE W. BUSH,)	Date: September 25, 2007
PRESIDENT OF THE UNITED STATES)	Time: 9:30 a.m.
OF AMERICA,)	Ctrm: 11, 19th Floor
)	Address: 450 Golden Gate Avenue,
Defendants.)	San Francisco, CA 94102

FOR GOOD CAUSE SHOWN, the motion to dismiss is GRANTED.

Plaintiff's claims in Count Four, Five and Six are dismissed with prejudice. Count Four is for slander per se, which is prohibited by the express terms of the Federal Tort Claims Act. Count Five is a contract-based claim and this Court previously determined that plaintiff cannot sue the Federal Government for such a claim in this Court. Count Six is a claim for declaratory relief that is part of plaintiff's claim of breach of employment contract, and this Court previously determined such claims cannot be brought in this Court.

Plaintiff's claims in Count One, Two and Three are dismissed without prejudice. First,

1 plaintiff has not plead or shown exhaustion of required administrative remedies before filing suit.
2 Furthermore, these are claims of employment discrimination under Title VII, which prohibits
3 discrimination and retaliation for protected conduct or status, respectively, in federal
4 employment. As such, these claims should be brought in this Court, if at all, once plaintiff's
5 declaratory relief claims are resolved in their proper forum.

6 **IT IS SO ORDERED.**

7 DATED: September __, 2007

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9 HON. MARTIN J. JENKINS
United States District Judge